

**THE LABOR COMMISSION  
WORKERS' COMPENSATION ADVISORY COUNCIL**

**Wednesday, April 13, 2016 – 12:00 P.M.  
Room 319A, Utah Labor Commission Offices  
Salt Lake City, Utah**

**The following Advisory Council members were in attendance:**

Dennis Lloyd, Workers Compensation Fund (for Ray Pickup)  
Tracy Klausmeier, Utah Dept of Insurance  
K. Dawn Atkin, Esq., Atkin & Associates  
Jeff Rowley, Salt Lake County by telephone  
Dave Davis, President, Utah Food Industry Association  
Brian Kelm, attorney  
Ed Holmes, MD

**The following Advisory Council members were excused:**

Richard Brewster, Operating Engineers Local Union No. 3  
Todd Bingham, President, Utah Manufacturers Association  
David Bird, Esq., Parsons Behle and Latimer  
Brandt Goble, Painters and Tapers Local 77  
Rich Thorn, Associated General Contractors  
Michele Balady, Travelers  
Reo Castleton,  
Rep. Dunnigan  
Sen. Mayne

**Others Present:**

Sherrie Hayashi, Commissioner  
Jaceson Maughan, Deputy Commissioner  
Ron Dressler, Division Director, Industrial Accidents, Labor Commission  
Sara Danielson, Utah Labor Commission, Administrative Assistant  
Maggie Karpuc, NCCI  
Maggie Hulls, Industrial Accident Admin Asst.  
Dr. Alan Colledge, Industrial Accident Medical Director  
Julie Clark  
Stan Mead  
Stew Verhaaree  
Bryan Hepworth  
Brad Thurman  
Andrew McAllister

**WELCOME**

**Welcome –Commissioner, Sherrie Hayashi** brought the meeting to order at 12:08 p.m. Commissioner Hayashi welcomed everyone. She stated that there was not a quorum present, so no voting would take place.

**2016-2017 Medical Fee:**

Commissioner Hayashi turned the time over to Dr. Alan Colledge for his presentation of the Medial Fee Schedule Review. Dr. Colledge reviewed the process of how medical fees are established and the make-up of the Medical Fee Review Committee. (handout) He stated the committee was recommending all fees, except anesthesia, to remain the same. The anesthesia conversion factor is recommended to be

increased from \$54 to \$57. This would result in a 0.1% impact to the workers' compensation system." He also mentioned that the Medical Fee Guide is being fine tuned. Maggie Karpuk stated that she would check on the date that NCCI needed the final conversion factors. Because there was not a quorum present, an email vote was discussed. It was suggested that the vote be after the minutes of this meeting are available and that a time frame be established for discussion before a vote was taken.

#### **NCCI State Advisory Update:**

Commissioner Hayashi turned the meeting over to Maggie Karpuk to go over the Utah 2015 State Advisory Forum highlights. (handout).

#### **Legislation and Rules:**

Jacson Maughan presented a recap of the 2016 legislation that passed. SB76 relating to volunteers, SB127 Labor Commission amendments specific to the ERF and requests for reimbursements, SB 146 inserting the word "reasonably" to the PTD section, and SB216 regarding the non-contracted hospital fees at 85% and the Commission's responsibility to study ways to reduce hospital fees in workers compensation cases and report by 11/30/17.

Jacson requested that if council members hear of or think of legislation that is or should be proposed to let him know as soon as possible. Dawn requested that more time be allowed for discussion prior to voting to support or not support a particular piece of legislation.

Ron stated that in regard to S.B. 216, he will be working with the council to put together a small committee to address the council reporting requirements.

Ron stated that a rule regarding hospital fees is being drafted. As soon as it is, a draft will be circulated to the counsel and an open meeting will be held.

Ron stated that the Commission is obligated to review the burial fee rule every two years. It appears that the current burial fee is still at the proper level.

Ron stated that the Commission has received the average weekly wage information from DWS, and will be making the adjustments to the attorney fees and disability rates, so that they can be effective July 1. The actual rates and fees have not yet been determined. When the rule text has been changed, a copy will be distributed and an open meeting will be held.

The status of the Supreme Court case regarding attorney fees is still pending. The case was argued in September 2015, no decision has been issued as yet.

#### **Privatization of ERF:**

Ron stated that the Commission is working on a plan of options and pricing. He is working with State Purchasing on what needs to happen.

#### **Other Business:**

Commission Hayashi requested that Council members noted that dates for future Council meeting on the agenda and place them on their calendars. If a conflict exists with the dates, please let the Commission know so that meetings can be rescheduled.

#### **Nest Meetings:**

July 13 and September 14.

Commissioner Hayashi mentioned that Colleen Colton is not seeking reappointment to the Commission's Appeals Board. She asked that nominations/applications be submitted to Sara Danielson, [sdanielson@utah.gov](mailto:sdanielson@utah.gov) by April 30, 2016.  
Maggie Hulls was introduced as the Industrial Accidents Division Administrative Assistant.

Meeting adjourned at 1:38 pm.